

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL WILLIAM
MASTROMATTEO,
a/k/a "Iron Mike,"

Criminal Case No. 06-20313

Honorable Patrick J. Duggan

Defendant.

ORDER DENYING DEFENDANT'S MOTION TO RETURN PROPERTY

At a session of said Court, held in the U.S.
District Courthouse, City of Detroit, County of
Wayne, State of Michigan, on January 26, 2007.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

Presently before the Court is Defendant's Motion to Return Property - specifically certain weapons that were seized when a search warrant was executed at his residence on June 28, 2005.

The items seized include Cobray M-11 9mm machine-type pistol, Serial Number 89-0013761, a Norinco assault rifle, Serial Number 122197901 and approximately 2,000 rounds of live ammunition.

Defendant contends that the Government has no basis for continuing to hold these

weapons because they are irrelevant to the present case and because they were legally possessed at the time they were seized.

A hearing on this motion was held on January 18, 2007. At this hearing, Defendant informed the Court that he wishes to transfer these weapons to another individual so that they can be sold to assist in the cost of his defense.

The Government contended, among other things, that the Government has a right to continue to hold this property because they have a legitimate interest in holding the property as evidence in an ongoing criminal investigation.

Defendant agreed that the Court could conduct an *in-camera* hearing with respect to the Government's allegations that there is an ongoing investigation which justifies their retaining these weapons.

On January 24, 2007, the Court held an *in-camera* hearing. Present at this hearing was A.U.S.A. Saima Mohsin and F.B.I. Agent Bill Fleming.

Based on the testimony given by F.B.I. Agent Fleming, the Court is satisfied that there is an ongoing investigation justifying the Government retaining possession of these weapons. The Government informed the Court that this current investigation will continue for at least six months.

Therefore, the Court is satisfied that the Government has a legitimate interest in holding these weapons and Defendant's Motion to Return Property must be denied.

SO ORDERED.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Matthew J. Schneider, A.U.S.A.
Saima S. Mohsin, A.U.S.A.
Robert Buschmohle